

VINCENT VITALE,	:	Order Vacating Decision
Appellant	:	and Remanding Case
	:	
v.	:	
	:	Docket No. IBIA 98-119-A
JUNEAU AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 23, 1998

This is an appeal from a June 30, 1998, decision of the Juneau Area Director, Bureau of Indian Affairs, declining to approve Appellant's 1976 attorney fee agreement with Bertha Mae Tabbytite.

Appellant has moved for a stay of proceedings so that the Area Director may issue a decision in the related matter of Appellant's request for payment from Tabbytite's Individual Indian Money account. In his response to Appellant's motion, the Area Director states that he intends to issue a decision in the related matter and does not object to a stay of the present proceedings, but believes that a remand of this case would also be appropriate.

The Board finds that the better course of action here is to vacate the Area Director's June 30, 1998, decision and remand this case to him. This will enable him to proceed in whatever manner he concludes would be the least burdensome to the parties.

The Board declines to issue specific instructions governing the Area Director's handling of this matter on remand. Appellant may raise any objections he has to the proceedings on remand when and if the Area Director's new decision is appealed to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Area Director's June 30, 1998, decision is vacated, and this matter is remanded to him for further proceedings.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge